



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,994	06/06/2005	Edwin Nun	258043US0PCT	9074
22850 7590 03/27/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER WATKINS III, WILLIAM P	
			ART UNIT	PAPER NUMBER
			1794	
			NOTIFICATION DATE	DELIVERY MODE
			03/27/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

### **Attachment to Advisory Action**

1. The amendment is refused entry as the last line of claim 1 ends with the phrase "the at least one surface, and.", which would raise a 112 2<sup>nd</sup> issue of clarity if entered. The rejections of record will be maintained in the event of an appeal. The examiner notes that the amendment after final did not address the multiple obviousness type double patenting rejections.

2. Applicant's arguments filed 13 March 2009 have been fully considered but they are not persuasive.

Applicant argues that there is no motivation to embed particles because two of the references teach applying the particles with binders and also argues that there is no teaching in the rejection of only the particles being treated with a substance that makes them hydrophobic. The examiner relies on the Benoit reference to teach embedding particles. The motivation to do so is to avoid the use of a binder and also simply as selection of alternate way to join particles to a plastic surface from a small group of known methods. Regarding the argument of only the particles being made hydrophobic, the instant claims are not limited to only the particles being made hydrophobic. Nothing in the instant claims prevents the substrate from being treated to become hydrophobic. Also Baumann et al. clearly teaches that only the peaks caused by the particles may be coated (col. 7, lines 10-15).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Watkins III whose telephone number is 571-272-1503. The examiner works an increased flex time schedule, but can normally be reached Monday through Friday, 11:30 A.M. through 8:00 P.M. Eastern Time. The examiner returns all calls within one business day unless an extended absence is noted on his voice mail greeting.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WW/ww  
March 25, 2009

/William P. Watkins III/  
Primary Examiner, Art Unit 1794